

REMARKS

Claim Status

Before entry of this Amendment, claims 1-9, 11, and 22-29 were pending in the present application, with claims 3 and 5-9 being withdrawn from consideration. Claims 25-29 are withdrawn herein. Thus, subsequent to entry of this Amendment, claims 1-9, 11, and 22-29 will be pending, with claims 3, 5-9, and 25-29 being withdrawn from consideration. No additional claims fee is believed to be due.

Response to Requirement of Election of Species

The Office Action asserts the application contains claims directed to the following patentably distinct species:

- (1) Species 1: article comprising a graphic printed directly on a microporous film material;
- (2) Species 2: article comprising a graphic printed directly on a nonwoven material layer;
- (3) Species 3: article comprising a graphic printed directly on a topsheet, as per claims 26-27; and
- (4) Species 4: article comprising a graphic printed directly on an absorbent core acquisition layer, as per claims 28-29.

As such, the Office Action requires an election under 35 U.S.C. § 121 of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, the Office Action considers claim 1 generic to species 1 and 2, and claims 26-29 generic to the named species. It is respectfully submitted that claims 2-9, 11, and 22 are also generic to species 1 and 2.

In response to the requirement for election of species, the Office Action requires an election of the species to be examined and identification of the claims encompassing the elected species. This Amendment hereby confirms the election, without traverse, of Species 1, i.e. article comprising a graphic printed directly on a microporous film material, which is encompassed by claims 1, 2, 4, 11, and 22-24. As noted above, claims 3 and 5-9 were withdrawn in response to a prior restriction requirement, however, it is believed that Species 1 is also encompassed by claims 3 and 5-9.

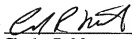
Appl. No. 10/751,362
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Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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